

Remarks

Summary of Office Action

Claims 1-14, 16-23, and 25-40 were pending in this application.

Claims 1-13, 16, 17, 21, 22, 30, 31, 34-37, 39, and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman et al., U.S. Patent No. 6,603,488 (hereinafter "Humpleman") in view of Joerg, U.S. Patent Application Publication No. US2001/0049671 (hereinafter "Joerg").

Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Joerg further in view of Gagnon et al., U.S. Patent No. 6,522,342 (hereinafter "Gagnon").

Claims 14, 23, and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Joerg further in view of Pollack et al., U.S. Patent No. 6,578,025 (hereinafter "Pollack").*

* The Office Action listed claims 15 and 24 in this rejection. However, claims 15 and 24 were previously cancelled in applicant's Amendment dated August 26, 2005. Applicants will presume these claims were mistakenly included in the present Office Action and will not address their rejection.

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Joerg further in view of Boreczky et al., U.S. Patent No. 6,366,296 (hereinafter "Boreczky").

Claims 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Joerg further in view of Pollack further in view of Gagnon.

Claims 29, 32, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Joerg further in view of Gagnon further in view of Pollack further in view of Boreczky et al., U.S. Patent No. 6,366,296 (hereinafter "Boreczky").

Claim 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Boreczky further in view of Pollack.

Summary of Applicants' Reply

Applicants have amended claims 1, 23, 30, 31, and 34-40 to more particularly define the invention and to maintain proper dependencies and antecedent basis. No new subject matter has been added and the amendments are fully supported and justified by the specification. Claim 22 is canceled without

prejudice. The Examiner's rejections are respectfully traversed.

Applicants' invention, as defined by independent claims 1, 38, 39, and 40, is directed towards customizable presentation environments, a service broker system, and a method in which an interactive presentation of data uses a plurality of object placeholders. Each of the object placeholders holds a digital image obtained from a camera at a remote location in response to a sensor sensing a change at the remote location (e.g., a motion sensor going off). The images are linked to one another to indicate the relationship between the respective images. That is, each image has a pointer that refers to each of the images adjacent thereto. The images are displayed on a presentable environment based on the way the images are linked using this pointer arrangement.

A *prima facie* case of obviousness has not been established.

Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness in all of the 35 U.S.C. § 103(a) rejections made in the Office Action. In order to establish a *prima facie* case of obviousness based on a combination of references, there must be "some teaching,

suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP § 2143.01. Applicants respectfully submit that the Examiner has failed to fulfill the requirement of presenting an "objective teaching . . . or . . . knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references," In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); See also In re Rouffet, 149 F.3d 1350, 1355 ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references").

The Examiner has combined references in a seemingly arbitrary manner without adequately providing a suggestion or motivation for doing so. The Examiner strings together references, in some cases up to five separate references, without pointing to any adequate suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art for making the proposed modifications and combinations.

For example, with regard to claims 1, 39 and 40, the Examiner concedes that Humpleman fails to show a presentable

object having pointers pointing to each presentable object adjacent thereto and where the viewable arrangement of the presentable objects is based on the manner in which they are linked. The Examiner contends that because Joerg teaches the concept of a linked list, it would have been obvious to modify Humpleman to include the above features of applicants' claimed invention. The Examiner merely states that "[i]t would have been obvious to an artisan at the time of the invention to include Joerg's teaching with method [sic] of Humpleman in order to allow users to create variants over common subset [sic] of object [sic] by offering different entry points." Assuming, *arguendo*, that this contention is true, it certainly does not provide a suggestion or motivation for modifying Humpleman to include the feature of corresponding the display of presentable objects with how they are linked by pointers. In fact, this contention is not even based on anything that is recited in the claim. Applicants respectfully submit that Joerg has absolutely nothing to do with corresponding an object linking scheme with how those objects are displayed in a viewable format and therefore no suggestion or motivation can possibly exist.

With regard to claim 38, the Examiner contends that it would have been obvious to combine Humpleman with Boreczky "in

order to provide the user with the ability to modify the video." Applicant respectfully submits that the Examiner is merely making a broad conclusory statement, and fails to point to any objective teaching by either Humpleman or Boreczky that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 USPQ2d 1769 (Fed. Cir. 2000).

Instead of providing an objective teaching of a motivation to combine Humpleman and Boreczky, the Examiner merely concludes that it would have been beneficial to do so. Applicant respectfully submits that the Examiner has employed hindsight reconstruction in combining the references. With the knowledge of applicant's novel system, particular features of the prior art were identified for use in rejecting applicant's invention. This technique has long been held invalid by the courts at creating a *prima facie* case of obviousness. See In re Fine, 5 USPQ2d at 1600. ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.")

The Examiner has used applicant's own invention as a bridge between Humpleman and Boreczky. In doing so, the Examiner has demonstrated mere hindsight reconstruction, the very "syndrome" that the requirement for objective evidence is designed to combat, and the rejection is therefore insufficient as a matter of law. See In re Dembiczak, 50 USPQ2d at 1617-1618.

Similarly, the Examiner combines Humpleman and Boreczky with Pollack "in order to minimize the search time for the selected object." Again, this is an insufficient suggestion or motivation for making the combination and is a clear result of hindsight reconstruction as discussed above.

For at least the above reasons, applicants respectfully submit that independent claims 1, 38, 39, and 40 are allowable.

Independent claims 1, 38, 39, and 40 are allowable

Applicants have amended independent claims 1, 38, 39, and 40 to recite that the presentable object is a digital image obtained from a camera at a remote location in response to a sensor sensing a change at the remote location. None of the cited references either show or suggest this features of applicants' claims.

With respect to independent claim 38, the Examiner contends that applicants' argument concerning the use of doubly-linked lists have no basis in the claims. Contrary to the Examiner's contention, independent claim 38 clearly and explicitly recites "a data store on the server-side of the system for storing the presentable objects from the client-side, the presentable objects being linked to indicate the relationship between the objects and stored in a doubly-linked list, each object having a pointer that refers to each of the presentable objects adjacent thereto" (emphasis added).

For at least the above reasons, applicants respectfully submit that independent claims 1, 38, 39, and 40 are allowable.

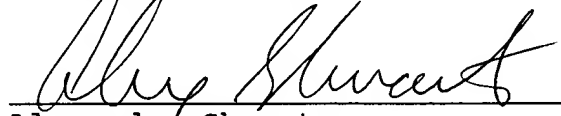
Dependent claims 2-14, 16-21, 23, and 25-37 are allowable

Dependent claims 2-14, 16-21, 23, and 25-37 are allowable because they depend from allowable base claims 1, 38, 39, and 40.

Conclusion

In view of the forgoing, claims 1-14, 16-21, 23 and 25-40 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Alexander Shvarts', is written over a horizontal line.

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